

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 98-273  
:   
v. :  
:   
ANDRES MARTINEZ-HERNANDEZ :  
:   
:   
:

**ORDER**

**AND NOW**, this 6th day of December, 2012, upon consideration of the Motion to Correct Sentence Pursuant to Now Ineligibility “Criminal History Enhancement” (Document No. 75) and the government’s response, it is **ORDERED** that the motion is **DENIED**.

**IT IS FURTHER ORDERED** that the petitioner having failed to make a “substantial showing of the denial of a constitutional right,” there is no probable cause to issue a certificate of appealability.

/s/Timothy J. Savage  
TIMOTHY J. SAVAGE, J.